

EXHIBIT M

ORIGINAL

392

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARJORIE PHILLIPS,

Plaintiff,

- against -

CASE NO.:
1:20-cv-00221

THE FASHION INSTITUTE OF TECHNOLOGY,
MARY DAVIS AND MARILYN BARTON,

Defendants.

-----X

October 20, 2021
9:33 A.M.

CONTINUED DEPOSITION OF

MARJORIE PHILLIPS, the Plaintiff herein, taken by
the attorneys for the Defendants, held via web
conference, pursuant to Court Order, and held
before Deborah Thier, a Notary Public of the State
of New York at the above-stated time and date.

* * * *

1

393

2 A P P E A R A N C E S :

3 THE COCHRAN FIRM
4 Attorneys for the Plaintiff
5 55 Broadway - 2nd Floor
6 New York, New York 10006

7 BY: DEREK SELLS, ESQ.
8 MINA MALIK, ESQ.

9
10 NIXON PEABODY, LLP
11 Attorneys for the Defendant
12 THE FASHION INSTITUTE OF TECHNOLOGY
13 50 Jericho Quadrangle - Suite 300
14 Jericho, New York 11753-2728

15 BY: ROSE A. NANKERVIS, ESQ.

16 SARETSKY, KATZ & DRANOFF
17 Attorneys for the Defendant
18 MARY DAVIS
19 475 Park Avenue South - 26th Floor
20 New York, New York 10016

21 BY: ERIC DRANOFF, ESQ.

22 MENKEN SIMPSON & ROZGER, LLP
23 Attorneys for the Defendant
24 MARILYN BARTON
25 80 Pine Street - 33rd Floor
New York, New York 10005

26 BY: BRUCE MENKEN, ESQ.

27

28 ALSO PRESENT:

29 MARY DAVIS

30

31

1

394

2 COURT REPORTER: It is stipulated and
3 agreed by and between counsel for all parties
4 present that pursuant to CPLR section 3113(d)
5 this deposition is being conducted remotely
6 by video conference, and that the court
7 reporter, witness and all counsel are in
8 separate remote locations and participating
9 via Zoom or any web conference meeting
10 platform under the control of Bee Reporting
11 Agency, Inc.

12 It is further stipulated that this
13 video conference will not be recorded in any
14 manner and that any recording without the
15 express written consent of all parties shall
16 be considered unauthorized, in violation of
17 law and shall not be used for any purpose in
18 this litigation or otherwise.

19 Before I swear in the witness, I will
20 ask each counsel to stipulate on the record
21 that I, the court reporter, may swear in the
22 witness even though I am not physically in
23 the presence of the witness and that there is
24 no objection to that at this time, nor will
25 there be an objection at a future date.

1

395

2 MR. MENKEN: No objection.

3 MR. SELLS: No objection.

4 MR. DRANOFF: No objection.

5 MS. NANKERVIS: No objection.

6 M A R J O R I E P H I L L I P S,

7 The witness herein, having first been duly
8 sworn by Deborah Thier, a Notary Public in and
9 for the State of New York, was examined and
10 testified as follows:

11 COURT REPORTER: Please state your name
12 for the record.

13 THE WITNESS: Marjorie Phillips.

14 MR. MENKEN: The deposition is being
15 conducted pursuant to the federal rules. The
16 parties have agreed to continue this
17 deposition from September 9th and September
18 10th for a period of ninety minutes.

19 CONTINUED EXAMINATION BY

20 BRUCE MENKEN, ESQ.:

21 Q Good morning, Ms. Phillips.

22 A Good morning.

23 Q Could you just confirm for me that
24 there's no one else in the room with you?

25 A No one else in the room.

1 Marjorie Phillips 396

2 Q Can you confirm for me that to the
3 extent you have any technology in the room, like a
4 cell phone or iPad, other than what you're looking
5 into, is turned off?

6 A Yes.

7 Q Ms. Phillips, you testified on
8 September 9 and September 10 about various things
9 that Marilyn Barton said to you on May 16, 2019 at
10 the office at E315 at F.I.T.

11 I just wanted to ask you, with regard
12 to anything she said on that day, would you
13 consider any of it racist in nature?

14 A No, I don't know. I can't say for
15 sure. It was aggressive, it was angry.

16 Q She repeatedly said the word fuck to
17 you; is that correct?

18 A Yes.

19 Q Is it your contention that she said
20 that to you because you are African American?

21 A She said it to me because she said she
22 was sick and tired of my shit.

23 Q On May 16, 2019, Ms. Phillips, did Ms.
24 Barton physically push you?

25 A Yeah, she did. She put her finger on

1 Marjorie Phillips 397

2 my chest to push me. Push.

3 Q For the record, I know we're appearing
4 remotely, but you're indicating that she pushed
5 you with what appears to be her right pointer
6 finger?

7 A I don't know if it was her right
8 finger. She pushed me with her finger. I don't
9 know which hand it was.

10 Q She did not push you with two hands?

11 A No, she did not.

12 Q At some point on May 16, 2019 during
13 this incident, Ms. Phillips, did you stand up from
14 your chair in the office?

15 A During the incident?

16 Q Yes.

17 A At the end. Yes, towards the end.

18 Q Why is it that you stood up out of your
19 chair?

20 A Because she pushed me. She actually
21 put her hands on me. Prior to that she had just
22 been in my face and she was yelling and screaming
23 and cursing me out and saying all these vulgar
24 things to me, but when she actually put her hands
25 on me, then that took it to another place and

1 Marjorie Phillips 398

2 that's when I stood up. I didn't know what she
3 was going to do. I didn't know what was going to
4 be next.

5 Q So you just testified about her putting
6 her hands on you, but previously you mentioned she
7 just pointed.

8 She touched you with her finger?

9 A Right.

10 Q So I just want to be clear for the
11 record what, in fact, she did.

12 A She touched me, she touched me. She
13 pushed me with her finger, and when she did that,
14 that was more than what she had already said.

15 She was cursing and yelling and
16 screaming at me prior to that and in my face prior
17 to that. When she physically put her hands on me,
18 that took it to another level in my mind because I
19 didn't know what was -- what she was gonna do
20 next. So at that point is when I stood up and I
21 put my hands up.

22 Q But she didn't put her hands, plural,
23 on you, she put her finger on you; correct?

24 A Correct, correct.

25 Q And she put it above your breast bone

1 Marjorie Phillips 399

2 level; correct?

3 A My chest area.

4 Q And that was the finger.

5 When you stood up from your chair in
6 office E315, did you stand up in self-defense?

7 A I stood up to get away from her.

8 Q Did you, in fact, thereafter try to
9 flee the area?

10 A No.

11 Q Did you attempt in any way, Ms.

12 Phillips, to calm Ms. Barton down at that point?

13 A I used those words, yes.

14 Q What words did you precisely use, if
15 you remember?

16 A Calm down, calm down, calm down. I
17 kept saying it over and over again.

18 Q And you just testified in a somewhat
19 quieter voice.

20 Is that the way you said it --

21 A Yeah.

22 0 Hold on one second. Let me finish.

23 Is that the way you said it on May 16,
24 2019 in the E315 office at F.T.T.?

25 A Yes

1 Marjorie Phillips 400

2 Q She, of course, according to your
3 testimony, was raising her voice at a very high
4 level?

5 A She was screaming at me.

6 Q And she was foaming at the mouth;
7 right?

8 A Yes.

9 Q You testified last month about what I'm
10 just going to describe as a blackface incident.

11 Can you explain what, if any,

12 involvement Marilyn Barton had with what you
13 allege to be some black face incident?

14 A Marilyn was having a conversation with
15 another co-worker in our department in our office
16 about the blackface and they -- I overheard the
17 conversation somewhat, not every single word, but
18 I overheard -- I heard them say that, and that's
19 what got my attention.

20 Q How far in feet, if you recall, were
21 you from Marilyn Barton when you overheard this?

22 A About ten feet maybe. Ten feet.

23 Q Who else other than you and Ms. Barton
24 was in E315 at the time?

25 A I don't actually recollect. Natasha

1 Marjorie Phillips 401

2 Deacon was in the office. I don't know if Mary
3 Davis and Umilta was in the office. I'm not sure
4 if they were in the office.

5 Q Is Natasha a woman of color?

6 A No, she's not.

7 Q Who, if anyone, was Ms. Barton talking
8 to at that point?

9 A Natasha.

10 Q Is Natasha currently employed at
11 F.I.T.?

12 A Yes.

13 Q Do you know what her job title is?

14 A She's the chairperson of the art market
15 program.

16 Q Did you ever speak to Natasha about the
17 parts of this blackface conversation that you
18 overheard?

19 A I did not.

20 Q I think it was unclear in September
21 when you last testified the year or month when you
22 overheard part of this conversation.

23 A Yeah, it is unclear, yes.

24 Q Could it be as far back as 2016 or
25 2017?

1 Marjorie Phillips 402

2 A The only more clarity I can give is it
3 was around the time when there was a lot of
4 incidents in the newspaper -- not a lot, but there
5 were some incidents in the newspaper with people
6 in the fashion design industry, blackface images.

7 It was around that time.

8 So that was -- I would say everything
9 sort of goes back sort of to 2019 forward. So
10 maybe it was 2018. If I had to guess, 2019, 2018.
11 I don't know, '18, '19.

12 Q As far as I could tell, you never
13 complained to F.I.T.'s affirmative action
14 committee about that; correct?

15 A Correct.

16 Q And you never complained to F.I.T.'s
17 human resources office about that; correct?

18 A Correct.

19 Q But you did, in fact, complain to Dean
20 Davis about that?

21 A No, I did not.

22 Q Did you make any complaints to anyone
23 affiliated with F.I.T. within thirty days after
24 overhearing to some extent this blackface
25 discussion incident?

1 Marjorie Phillips

403

2 A I did not.

3 Q Other than the May 16, 2019 incident
4 with Ms. Barton, did you have any other heated
5 arguments, to say the least, with Marilyn Barton
6 prior to May 16, 2019?

7 A Heated, maybe once. Maybe once.

8 Q What was that about?

9 A I don't recall. It was pretty early
10 on. I can't remember when it was, but it was
11 many, many, many years ago and she had said or
12 done something that I didn't like and I spoke to
13 her about it and I went over to her desk and I --
14 you know, I spoke to her about it, and when I
15 spoke to her about it -- I don't even remember
16 what the incident was, I just remember the
17 outburst and she got angry because I was, you
18 know, asking her about it, and again she stood up
19 and she walked into the center of the office.

20 Now, granted the office is not large at
21 all, but she walked away from me and me speaking
22 and she went to the center of the office as if she
23 wanted everyone around to hear her and to see her,
24 and she started yelling at me and she started
25 responding to what I said and yelling at me in

1 Marjorie Phillips 404

2 front of everyone.

3 Q Do you have any memory of what the
4 issue of contention was about?

5 A I do not. It was a very, very long
6 time ago.

7 Q Did either she or you during that long
8 time ago incident use any vulgarity or obscene
9 language?

10 A I don't recall.

11 Q Did either you touch her or did she
12 touch you during that long ago incident?

13 A No, I don't recall. I don't think so,
14 no.

15 Q Ms. Phillips, prior to May 16, 2019
16 would you agree that Ms. Barton knew the address
17 where you lived?

18 A Prior to 2016?

19 Q No, prior to May 16, 2019.

20 A Oh, yes, she knows my address. Yes.

21 Q Did you know her address?

22 A No, I do not.

23 Q Ms. Phillips, did you ever tell

24 Barton that when you gave birth to your son,

25 Jayvon (phonetics) Phillips, that you were not

1 Marjorie Phillips 405

2 married at the time?

3 A I don't remember those exact words. I
4 don't remember those exact words, no.

5 Q Well, how about in general terms, do
6 you know if you ever told Ms. Barton that you were
7 not married at the time?

8 A I don't recall having that
9 conversation.

10 MR. MENKEN: Debbie, could you put
11 Exhibit 9 on the screen, please, and this
12 will be marked Exhibit 17.

16 Q Ms. Phillips, have you reviewed what's
17 been marked as Plaintiff's 17 of this deposition?

18 A Plaintiff's 17?

19 Q Let's just call it number 17. I think
20 it's gotta be 17 so that internal number?

21 A Are you waiting for me?

22 Q Ms. Phillips, it's currently marked as
23 Barton Exhibit 9, but based on our able court
24 reporter's statement, it's going to be marked as
25 Defendant's 17, and all counsels consent. It's a

1 Marjorie Phillips 406

2 four-page document. It was Bates stamped and
3 produced by your attorneys and it's approximate
4 Plaintiff Phillips 225 through 228. The top page
5 says the City of New York, New York City Police
6 Department, 10th Precinct, 230 West 20th Street,
7 New York, 10011.

8 Have you seen this document before?

9 A I believe so, yes.

10 Q Would you agree that it's a police
11 report?

12 A Yes.

13 Q Is it true that on May 16, 2019 you
14 walked from the F.I.T. campus to the 10th Precinct
15 at 230 West 20th Street in Manhattan?

16 A No, it was not on May 16th.

17 0 You didn't go on May 16th?

18 A I did not.

19 Q I apologize, if you could go to the
20 next page, Ms. Phillips, if you could scroll down
21 and if you could see the box where it says
22 occurrence from.

23 You see that spot?

24 A Yes.

25 Q It says reported May 21, 2019 at 16:35

1 Marjorie Phillips 407

2 in the day.

3 Do you see that?

4 A I do.

5 Q Having us both seen that, does that
6 confirm that you made a report to the New York
7 City Police Department 10th Precinct on May 21,
8 2019 at 16:35 military time?

9 A Yes, but that was not my first time
10 there.

11 Q Did you go there before?

12 A I went on the 17th.

13 Q I believe that was a Friday; correct?

14 A Right.

15 Q So you went to work on Friday, May 17
16 or no?

17 A No

18 Q But you walked into the precinct on
19 your own on May 17, 2019?

30 A I did

21 0 How did you get there?

22 A I walked there. I took the train
23 downtown because I wasn't sure if I should make a
24 complaint in my area where I live or if I should
25 go downtown to where the incident happened at

1 Marjorie Phillips 408

2 F.I.T., and so I made the decision that because it
3 happened down there that I should go to a precinct
4 down there. So I went downtown and I went to the
5 precinct downtown in Chelsea.

6 Q So you took the subway from your
7 apartment and went to the 10th Precinct?

8 A I did.

9 Q And you went by yourself?

10 A I did.

11 Q At some point in time you met with an
12 employee of the New York City Police Department?

13 A I did.

14 Q Was that person in uniform or not?

15 A In uniform.

16 Q Do you know what an order of protection
17 is, Ms. Phillips?

18 A I do, yes.

19 Q How is it that you know what an order
20 of protection is?

21 A I think that's kind of common. I
22 believe it's common, so that's how I know.

23 Q Have you ever had an experience where
24 you sought an order of protection or someone
25 sought an order of protection against you?

1 Marjorie Phillips 409

2 A No.

3 Q As far as you know, what is an order of
4 protection?

5 A An order of protection is something
6 that a person who -- a victim, a victim has the
7 right to request of the police department if they
8 want to ensure that the offender or the attacker
9 stays away from them. It's like an official
10 document to ensure that the attacker stays away
11 from them.

12 Q When you were at the police precinct on
13 May 17, 2019 and May 21, 2019, did you request an
14 order of protection from the police department?

15 A I did not at that time. At that time I
16 did not, but I honestly thought about it.

17 Q At any point in time thereafter did you
18 seek an order of protection against Marilyn
19 Barton?

20 A I did not, but I thought about it, and
21 the reason that I did not do it is because I
22 thought that F.I.T. was going to protect me. I
23 was certain that F.I.T. was going to protect me at
24 that time.

25 Q Could you scroll up to the first page

1 Marjorie Phillips 410

2 of this exhibit, please, Ms. Phillips.

3 A Go to the first page?

4 Q Please.

5 A Okay. Yes.

6 Q You see the second paragraph on the
7 first page of this document, the first and second
8 sentence, it offers free and confidential services
9 of victims of crime managed by Safe Horizon?

10 A I do.

11 Q Did you take advantage of these free
12 and confidential services that the police
13 department offered you in May of 2019?

14 A Well, this notice did not come to me on
15 the date that you're stating. I don't even -- and
16 these are four separate documents. These
17 documents did not come altogether. So this is one
18 document, the complaint is another document. So
19 this particular document did not come until much
20 later. That's number one.

1 Marjorie Phillips 411

2 is turned off. I can't see the document that
3 was up anymore.

4 MR. MENKEN: Off the record.

5 (Whereupon, there was a break in the
6 deposition.)

7 Q Ms. Phillips, is the document in front
8 of you now on the screen?

9 A It is, yes.

10 Q Can you tell us what day, if you
11 remember, you received the first page of Exhibit
12 17?

13 A It certainly would be a guess, but I do
14 remember saying to myself when I received it --

15 MR. SELLS: Please don't guess.

16 THE WITNESS: Okay.

17 Q Ms. Phillips, if you can go to the last
18 page of the document, please.

19 A Okay.

20 Q At the bottom right of the last page
21 all the way down, please, you --

22 A Okay.

23 Q -- see a date, September 26, 2019.

24 Do you see that?

25 A Yes, I do.

1 Marjorie Phillips 412

2 Q Is that around the time that you
3 received some or all of this four-page document?

4 A It could be, 'cause like I said, those
5 are four separate documents. So yes, yes.

6 Q In order to obtain this document or
7 parts thereof, did you yourself go to the 10th
8 Precinct to pick it up?

9 A No, I had to go to One Penn Plaza.

10 Q That's where you got it?

11 A Hm-hm, yeah.

12 Q Ms. Phillips, you testified that on May
13 16, 2019 that you were living alone; correct?

14 A Correct.

15 Q When you got home on May 16 and went to
16 bed, did you have trouble sleeping that night?

17 A Yes, of course. Yes, I did.

18 Q Did you have trouble sleeping the
19 following night, May 17?

20 A Yes, I did.

21 Q Did you have trouble sleeping
22 continuously for a number of weeks or months?

23 A Yes, I did.

24 Q That was because of the May 16, 2019
25 incident?

1 Marjorie Phillips 413

2 A Yes, it was.

3 Q What, if anything, did you do to treat
4 that trouble sleeping through that period of time?

5 A Well, I didn't initially do anything
6 about it, I just sort of tossed and turned. I
7 didn't do anything. I didn't try anything to, you
8 know, change my sleep patterns. I didn't do
9 anything initially.

10 So at that time that you're speaking
11 of, I didn't do anything at that time.

12 Q Did you go see a physician,
13 psychologist, psychiatrist, social worker, mental
14 health practitioner?

15 A Yes, I did.

16 Q That wasn't until August of 2019;
17 correct?

18 A Correct.

19 Q From May 16, 2019 until August of 2019
20 did you seek treatment from any health care
21 practitioner as a result of the incident that
22 occurred on May 16, 2019 at F.I.T. with Marilyn
23 Barton?

24 A I had an internist that I went to see.
25 I don't remember what the date was. I don't

1 Marjorie Phillips 414

2 remember that, but I saw my internist.

3 Q How soon after May 16, 2019 did you see
4 the internist?

5 A I don't remember.

6 Q Is that Sabrina Gard?

7 A Correct.

8 Q Did you speak to her, Dr. Gard, about
9 what happened on May 16, 2019 with Ms. Barton?

10 A I did.

11 Q At some point in time Dr. Gard was no
12 longer your internist and you got another
13 internist; correct?

14 A Yes.

15 Q When was that, about?

16 A I just got a new internist recently.

17 It takes a long time to find an internist, one
18 that you want to have.

19 Q Did you call up Dr. Gard to receive an
20 appointment at some time after May 16, 2019?

21 A I never was able to call her because we
22 -- at that time we had kind of rolled into the
23 pandemic and I was never able to see her after
24 that initial time, after the first time.

25 Q Just so we're clear, is it your

1 Marjorie Phillips 415

2 testimony that between May 16, 2019 and let's say
3 August 8, 2019, did you see Dr. Sabrina Gard in
4 person?

5 A No.

6 Q Did you speak to her on the phone --

7 A No.

8 Q -- between May -- let me finish the
9 question.

10 Did you speak to Dr. Gard between May
11 16, 2019 and August 8, 2019?

12 A No.

13 Q What month and year, if you recall, did
14 you start taking any treatment to help you sleep
15 better?

16 A I don't recall exactly.

17 Q Do you have a general idea of when you
18 started taking some sort of sleep aid to help you
19 with your sleep problem after May 16, 2019?

20 A Maybe in August when I started seeing
21 the psychiatrist.

22 Q On the night of the incident did you
23 experience any nightmares when you were sleeping?

24 A Yes, I did.

25 Q Did you experience any nightmares

1 Marjorie Phillips 416

2 thereafter May 16, 2019?

3 A Yes, I did.

4 Q What do those nightmares consist of?

5 A I've had a lot of nightmares since the
6 incident. I've had a lot of nightmares. I'm the
7 kind of person that prior to this incident I would
8 say that I didn't dream.

9 You know, everybody supposedly dreams,
10 but I would always say that I didn't dream because
11 I would go to sleep and then have a good night's
12 rest. I could sleep eight or nine hours and then
13 get up in the morning and I would always -- very
14 rarely do I remember my dreams, so I really felt
15 like I didn't dream very much.

16 Then after this happened then I started
17 dreaming a lot. I started dreaming a lot and I
18 started having -- and they weren't dreams, they
19 were nightmares, and they've gone on from that
20 time until the present. Until the present.

21 I have nightmares now and they're so
22 scary that it made me cry just to think about it.
23 Just to think about it because they're really
24 scary and they involve Mary and they involve
25 Marilyn and they involve like lions and alligators

1 Marjorie Phillips 417

2 and being attacked, and they just -- I have a lot
3 of nightmares now.

4 Q Do you still have those nightmares now?

5 A Yeah. It's not every night, but I went
6 from not dreaming at all to now having nightmares.

7 Q Throughout the summer of 2019 after the
8 May 16, 2019 incident were you having nightmares
9 on a nightly basis?

10 A Not every night, no, not every single
11 night.

12 Q How frequently were you having them
13 throughout the summer of 2019?

14 A I don't remember.

15 Q Did you write down in a journal or a
16 diary anything about what your nightmares
17 consisted of?

18 A No. I really talked to my therapist
19 about it.

20 MR. MENKEN: Could you put up on the
21 screen, Debbie, Exhibit 6, and this will be
22 marked Exhibit 18.

23 (Whereupon, chain of e-mails were
24 marked as Defendant's Exhibit 18 for
25 identification, as of this date.)

1 Marjorie Phillips 418

2 (Whereupon, Defendant's Exhibit 18 was
3 screen shared.)

4 Q Ms. Phillips, I'm making a record, feel
5 free to correct me if I'm reading something
6 incorrectly, but Defendant's 18, which is still
7 marked Barton Exhibit 6 now, is an e-mail
8 communication produced by your lawyers Bates
9 stamped Phillips 239 and 240, and it takes place
10 in August of 2019; is that correct?

11 A Is that a question to me?

12 Q Yes. Did I read that correctly,
13 describe the document?

14 A Can you repeat the question?

15 MR. MENKEN: Debbie, would you read it
16 back, please.

17 (Whereupon, the requested section was
18 read back.)

19 A Yes, it is.

20 Q Ms. Phillips, one more question going
21 back to the sleeplessness and the nightmares.

22 When you say you're still having
23 nightmares now, how frequently is it, nightly,
24 weekly, a couple of times a week, once a month?

25 A No, like now I feel like I haven't had

1 Marjorie Phillips 419

2 one in about like maybe since, I'm guessing, I'm
3 guessing, it's just a guess, for a couple of
4 months maybe.

5 Q And you've told Dr. Barnes about the
6 nightmares?

7 A Yes, I did.

8 Q Going to this Exhibit 18, can you
9 please read it, and I guess it's from -- read it
10 to yourself chronologically. It's from bottom to
11 top I believe.

12 A I'm done.

13 Q I think, Ms. Phillips, at the end of
14 the first page it says August 8, 2019. That's the
15 first e-mail.

16 A On the first page you're referring to?

17 Q Yes, the bottom of the first page
18 indicates that Cynthia Glass sent you an e-mail
19 that you responded to on August 12. If you could
20 take a look at that.

21 A Okay.

22 Q Let me know when you're finished
23 reviewing it.

24 A Okay.

Q If you can go to the top of the first

1 Marjorie Phillips 420

2 page now, please.

3 The top of the first page is an e-mail
4 from you to Ms. Unelus and others, including Ms.
5 Glass, dated August 13, 2019 at 1:50 in the
6 afternoon, and it references that you're just back
7 from a five week vacation.

8 A Yes.

9 Q When it says that it's my first day
10 back and it's dated August 13, 2019, are you in
11 the F.I.T. office that day or were you at home?

12 A I was in the office.

13 Q Who, if anyone, do you recall seeing in
14 office E315 that day?

15 A I don't recall. Only person that I
16 know for sure that was in the office would have
17 been Mary. I can't remember who else was in the
18 office, and I don't mean physically in, I just
19 mean in that day.

20 Q Sure. I understand.

21 Do you recall who you saw physically
22 that day?

23 A No, I do not.

24 Q You did not see Marilyn Barton that
25 day; correct?

1 Marjorie Phillips 421

2 A No, I believe that Marilyn was on
3 vacation.

4 Q Where were you on your five week
5 vacation?

6 A Where did I go?

7 Q Yes.

8 A I went to Georgia.

9 Q That was a family reunion of sorts, Ms.
10 Phillips?

11 A Yes, it was.

12 Q Did you have trouble sleeping during
13 that five week vacation?

14 A I did.

15 Q Did you have nightmares during that
16 five week vacation?

17 A I don't recall.

18 Q Did you speak to anyone during that
19 five week vacation who's a medical or health care
20 practitioner?

21 A During the vacation?

22 Q Yes.

23 A I don't recall.

24 Q Did you speak to any family members
25 about your challenges sleeping during that five

1 Marjorie Phillips 422

2 week vacation or did you not have those challenges
3 then?

4 A During the vacation I did not speak to
5 anyone about my challenges, no one in my family
6 during my vacation.

7 Q But you did have trouble sleeping
8 during that five week period?

9 A During the vacation?

10 ○ Yes.

11 A I was having problems sleeping from the
12 time the incident has happened to the present.

13 Not every day, not every week, but I've been
14 having sleeping problems the entire time.

15 Q You see at the bottom of the first
16 page, if you'll go there. --

17 A The bottom of the first page?

18 Q Right there. It's dated August 8, 2019
19 at 11:24 in the morning. Ms. Glass sends you the
20 e-mail concerning Dr. Kirkland Vaughans.

21 Do you see that?

22 A Yes.

23 Q At that point had you reached out to
24 Dr. Vaughans to make an appointment?

25 A I did. I consulted Dr. Vaughans about

1 Marjorie Phillips 423

2 this e-mail that I received from Cynthia Glass.

3 Q My question is, when did you first have
4 contact with Dr. Vaughans, was it before August 8
5 at 11:24 in the morning or is it after?

6 A When did I first -- do you mean the
7 very first appointment, is that what you mean?

8 Q When you first had contact with her
9 office, when you first called her or e-mailed or
10 texted her?

11 A Oh, it was before this.

12 Q Is Dr. Vaughans a member of your church?

13 A I believe she is, yes, but -- I believe
14 she is. I didn't know her.

15 Q So you had no prior contact with her
16 socially or professionally prior to when you first
17 obtained treatment from her?

18 A I did not. I still don't.

19 Q How is it that you learned that she was
20 a member of your church too?

21 A I think -- I don't recall. I have to
22 think about how I learned it, but -- I don't
23 recall how I learned it, but I didn't know that
24 she was a member of my church.

25 Q You said she was referred to you by a

1 Marjorie Phillips 424

2 friend; is that correct?

3 A Yes.

4 Q Who is that friend?

5 A Dr. Michelle Alexander.

6 Q Dr. Michelle Alexander does not treat
7 you medically but she's a friend of yours?

8 A Correct.

9 MR. MENKEN: Debbie, If you can go to
10 Exhibit number 7, and this will be Exhibit
11 19.

12 (Whereupon, the document dated August
13 8, 2019 was marked as Defendant's Exhibit 19
14 for identification, as of this date.)

15 (Whereupon, Defendant's Exhibit 19 was
16 screen shared.)

17 Q Ms. Phillips, Exhibit 19 are records
18 produced by your attorney and they contain notes
19 and documents from Dr. Cynthia D. Barnes, M.D.,
20 child and adult psychiatrist, and it starts
21 Plaintiff's 441 and it ends at 475, and I'm just
22 going to ask you some particular questions about
23 particular entities real quickly; okay?

24 A Okay.

25 Q On the first page of the document, if

1 Marjorie Phillips 425

2 you can go there, please.

3 A The very top?

4 Q Yes.

5 A Yes.

6 Q Is that your handwriting?

7 A Yes, it is.

8 Q Did you fill this out when you were at
9 her office or some other time?

10 A I'm pretty sure -- I believe I filled
11 it out at her office. I believe so.

12 Q What time of day, if you remember, on
13 August 8, 2019 did you fill this first page of
14 Defendant's 19 out while you were at Dr. Barnes'
15 office?

16 A I don't know.

17 Q Going to the third page of the
18 document, Ms. Phillips, it's Plaintiff 443, you
19 see the top entry it's dated 8-8-2019?

20 A Right.

21 Q Referred by Michelle Alexander, as you
22 just testified to?

23 A Right.

24 Q So beneath that it says, been wanting
25 to go in therapy for long time.

1 Marjorie Phillips 426

2 Do you see that?

3 A Yeah, I do.

4 Q I guess tell me if I'm making the wrong
5 conclusion, but I'm concluding that this
6 handwriting is Dr. Barnes' handwriting; correct?

7 A Yes, it is.

8 Q Why is it that you wanted to go into
9 therapy for a long time?

10 A Well, for a couple of reasons. One
11 reason is that my pastor -- I been going to this
12 church for thirty years and one of the things that
13 my pastor says over and over and over to the
14 congregation is that we all, we all, everyone
15 needs a checkup from the neck up.

16 So in addition to our medical -- you
17 know, our doctors and all the different
18 specialists that we see for all the different
19 parts of our bodies, in addition to that that
20 everyone could use a checkup from the neck up, and
21 he says that all the time, that there's no shame
22 in seeking therapy. As a matter of fact, it could
23 add value. So that's number one.

24 Number two is that for that very reason
25 I don't see any shame or anything wrong with

1 Marjorie Phillips 427

2 people seeking therapy. So for that reason.

3 Those are the reasons, health and
4 wellness.

5 Q Other than that, there were no
6 particular challenges or issues that you wanted to
7 discuss in therapy prior to August 8, 2019?

8 A No.

9 Q After seeing Dr. Barnes in person, due
10 to COVID you saw her remotely?

11 A Yes.

12 Q Did health insurance cover the
13 treatment?

14 A Yes -- well, we were actually speaking
15 on the telephone, not Zoom. We've been doing
16 phones throughout the pandemic.

17 Q Phone sessions?

18 A Yeah.

19 Q Was there a co-pay or any additional
20 pay that you had to pay Dr. Barnes for the
21 treatment that you started on August 8, 2019?

22 A Yes, I have a co-pay, yes.

23 Q Other than the co-pays, is there
24 anything else you've had to pay to Dr. Barnes?

25 A No.

1 Marjorie Phillips 428

2 Q When did you first seek legal
3 representation to prosecute this case?

4 A I believe it was in either late August
5 or September.

6 Q Did you speak to or have contact with
7 any attorney other than Midwin Charles before
8 September 2019?

9 A Yes, I did. I was looking for an
10 attorney, yes.

11 Q When did you first have contact with
12 that attorney, or those attorneys?

13 A I believe I started looking for an
14 attorney in July, I think. I don't recall
15 exactly, but I believe around July.

16 Q So while you were in Georgia you were
17 looking for an attorney?

18 A Before, during and after.

19 Q So while you were on vacation in
20 Georgia you were looking for an attorney?

21 A No, but I was thinking about it. So in
22 my mind it's the same thing.

23 Q Did you reach out to any attorneys by
24 e-mail?

25 A Yes, I did.

1 Marjorie Phillips 429

2 Q Who were they?

3 A I don't remember the names of all of
4 the attorneys. One of the attorneys that I did
5 reach out to whose name I can remember is the
6 attorney that was working with Mary, but I was
7 working with her first because she was one of the
8 people who I was seeking -- Marjorie Berman I
9 believe her name is. She's one of the lawyers
10 that I had reached out to, one of the many.

11 Q Did you reach out to any attorneys by
12 text?

13 A I don't think so. I don't recall.

14 Q When you say many, how many attorneys
15 did you reach out to?

16 Was it more than ten?

17 A No, it wasn't more than ten.

18 Q Ms. Phillips, did Dr. Barnes or anyone
19 affiliated with her office provide you with
20 receipts for those co-payments you made?

21 A Yes.

22 Q Did you retain those receipts?

23 A Not really. I mean, I throw them in my
24 baq, so....

25 Q So you might have some of them or no?

1 Marjorie Phillips 430

2 A No -- I mean, I could get them if I had
3 to, but, no, I don't have them.

4 Q Did you suffer emotional distress
5 damages as a result of the May 16, 2019 incident
6 and anything else that happened thereafter or
7 before?

8 A Absolutely.

9 Q Has Ms. Barton contributed to your
10 suffering from emotional distress damages?

11 A Absolutely.

12 Q That's because of what happened on May
13 16, 2019?

14 A Absolutely.

15 Q How much money do you think Ms. Barton
16 owes you for those emotional distress damages?

17 A I don't know. I haven't put a figure
18 on it. I don't know.

19 Q Would you say it's more than five
20 thousand dollars?

21 MR. SELLS: Objection. She already
22 answered the question, Bruce.

23 Q Ms. Phillips, you mentioned that you've
24 paid legal fees. How much in legal fees have you
25 paid to your attorneys to date?

1 Marjorie Phillips 431

2 MR. SELLS: Objection.

3 Don't answer that question.

4 MR. MENKEN: On what grounds? She's
5 seeking damages.

6 Let me ask this way.

7 Q Ms. Phillips, as a part of this
8 lawsuit, are you seeking reimbursement of
9 attorneys fees paid to your attorneys?

10 MR. SELLS: Objection.

11 Don't answer the question.

12 MR. MENKEN: We'll consider whether to
13 approach the magistrate judge on that.

14 MR. SELLS: Okay.

15 Q Ms. Phillips, you testified that you're
16 a person of faith and you believe in God; correct?

17 A Yes.

18 Q Do you go to church every Sunday?

19 A Pretty much.

20 Q And you're active in the church?

21 A Yes, I am.

22 Q You belong to some committees and
23 stuff?

24 A Yes.

25 Q Have you held leadership roles in the

1 Marjorie Phillips 432

2 church?

3 A Yes.

4 Q Do you regularly read the bible?

5 A Yes, I do.

6 Q Are you familiar with the Sermon on the
7 Mount?

8 A No.

9 Q Where Matthew in chapter five, verse
10 forty-four --

11 MR. SELLS: Okay, Bruce, excuse me,
12 where are we going with this?

13 MR. MENKEN: You want to let me ask the
14 question and then if you want to object, you
15 can?

16 MR. SELLS: Okay. Go ahead.

17 She just said she's not familiar with
18 it, so you want to keep going on about
19 something she's not familiar with? I don't
20 quite understand that. But go ahead, Bruce,
21 be my guest.

22 Q Ms. Phillips, you're familiar with the
23 scripture about turning the other cheek and loving
24 your enemies?

25 A Yes, I am.

1 Marjorie Phillips 433

2 MR. MENKEN: Could you put up exhibit
3 number 10. This will be marked Exhibit 20.

4 (Whereupon, the Complaint was marked as
5 Defendant's Exhibit 20 for identification,
6 as of this date.)

7 (Whereupon, Defendant's Exhibit 20 was
8 screen share.)

9 Q First I wanted to ask you before we ask
10 questions about the exhibit in front of you --

11 MR. SELLS: Hold on for a second.

12 Just for clarification, Bruce, are you
13 going to mark this? I think this has already
14 been admitted -- I mean not admitted, but
15 it's already been used as an exhibit during
16 this deposition. I forget what number.

17 MR. MENKEN: I guess because we have
18 different court reporting services, it
19 probably makes sense just to remark it.

20 MR. SELLS: Okay. It's being marked as
21 Exhibit 20?

22 MR. MENKEN: Exactly.

23 Q Ms. Phillips, do you know Isolina
24 Perez?

25 A Yes.

1 Marjorie Phillips 434

2 Q How long have you known her?

3 A Many years.

4 Q How do you know her?

5 A She is an employee as a union delegate
6 for the Fashion Institute of Technology.

7 Q Have you ever socialized with her
8 outside of work?

9 A No, I have not.

10 Q What's your opinion of her work
11 performance as a union representative for the
12 F.I.T. employees?

13 A I think she's excellent.

14 Q Now, Exhibit 10 is a copy of a
15 Complaint that was filed by your attorneys at the
16 time.

17 MR. SELLS: Exhibit 20.

18 MR. MENKEN: Thank you very much.

19 Q Exhibit 20 is the Complaint that was
20 previously marked at a prior Davis deposition in
21 September. It was drafted by your prior
22 attorneys.

23 If you could go to the bottom of page
24 ten, Ms. Phillips.

25 You see count two?

1 Marjorie Phillips 435

2 A Yes.

3 Q It basically includes a title saying
4 that you're alleging race discrimination and
5 harassment against all defendants, which includes
6 Ms. Barton; correct?

7 A Correct.

8 Q How did Ms. Barton discriminate against
9 you based on race?

10 MR. SELLS: This was asked previously,
11 Bruce, during the depositions.

12 MR. MENKEN: It was surely asked by Mr.
13 Tauster on behalf of his client, but I'd like
14 to ask the witness on behalf of my client.

15 MR. SELLS: No, I think he went into
16 great detail about each of the individuals,
17 and if you'll recall, Bruce, there was
18 substantial testimony on the nature of the
19 complaints that were made to F.I.T., and in
20 particular the human resources department
21 there, and she was asked specifically about
22 your client, about Ms. Davis, as well as a
23 number of other people, and she already
24 answered that question.

25 I mean, I can find it in the transcript

1 Marjorie Phillips 436

2 if you'd like, but --

3 MR. MENKEN: No, no, I'm not going to
4 belabor this, but I'd like to ask the
5 question.

6 MR. SELLS: No, I hear you, but the
7 problem is that when you ask the same
8 question multiple times -- you know, she's
9 already answered it, so, you know, what is it
10 more that you want her to say?

11 Let me -- I mean, if you just give me a
12 minute, I'll find it in the transcript, and
13 then you could have -- I'm sure you read
14 through the transcript, didn't you?

15 MR. MENKEN: Feel free to suit
16 yourself, Derek. You can take a break to
17 find it now and tell me where it is, that's
18 great.

19 MR. SELLS: Sure. Why don't we come
20 back about 11:31. Give me five minutes.

21 MR. MENKEN: Sure.

22 (Whereupon, a short break was taken.)

23 MR. SELLS: In response to where Ms.
24 Phillips talked about why she believed your
25 client, Ms. Barton, discriminated against

1 Marjorie Phillips 437

2 her, I point you to pages 95 to 102 of the
3 transcript where she discussed Ms. Barton
4 making a comment regarding African Americans
5 being three-fifths of a person.

6 I also direct you to pages 108 and 109
7 where it talks about that as well.

8 I then point you to pages 115 to 119
9 where Ms. Phillips describes Ms. Barton's
10 comments regarding something -- a
11 conversation that she had regarding a funeral
12 that she attended where she made reference to
13 someone being born out of wedlock.

14 Then I point you to pages 127 through
15 136 of the transcript where Ms. Phillips
16 describes the incident where Ms. Barton
17 assaulted her and Ms. Phillips' testimony
18 that she believed that the assault was based
19 upon race discrimination.

20 In fact, on page 136 she was asked
21 directly, why did you believe this incident
22 was discrimination, and Ms. Phillips
23 answered, I have never seen her act that way
24 with a white person. I have never seen her
25 behave that way with a white person, and the

1 Marjorie Phillips 438
2 only other person that was in the office was
3 another African American, so she felt free to
4 do what she wanted to do because the college
5 wasn't doing anything. The college had not
6 reprimanded her. Whatever was going on at
7 that time she felt free enough. I would
8 never in a -- ten zillion years do that or
9 act like that to anyone. When you go to
0 work, no one has the expectation of coming to
1 work and be threatened to be killed, and
2 because this affirmative action case was
3 hovering over all of our heads, which at the
4 time I can say in my mind it will take as
5 long as it will take, I asked Gelaway
6 (phonetics) about it a couple of times and
7 she said they were still working on it.

18 I mean, you get the point. The point
19 is that she answered that question before.

I'll read this part, but Marilyn had to
live with this uncertainty, her and Mary
every day because there was no resolution and
Marilyn cracked. She just went off on me.
She told me I'm tired of your fucking shit
foaming at the mouth, she's telling me she's

1 Marjorie Phillips 439

2 going to fucking kill me. Retaliation,
3 discrimination. Never saw her behave like
4 that with any white person.

5 Okay, so she's answered that in
6 multiple places, and I haven't even gone -- I
7 can still go through if you'd like, but, I
8 mean, she's answered that so many times
9 already and she's gone through multiple
10 incidents where she believed it showed Ms.
11 Barton's discriminatory intent.

12 So, again, I ask you to move on.

13 MR. MENKEN: So just for the record,
14 you said you'd take about four or five
15 minutes. You took about twenty minutes.
16 Number one.

17 Number two, you haven't come back to
18 show that the question that I asked was the
19 question that has been asked before.

20 With that said --

21 MR. SELLS: It was. I just said that.
22 I just said that. What do you mean? The
23 question was right there, why do you believe
24 this incident was discrimination. That was
25 the direct question on page 136. Why do you

1 Marjorie Phillips 440

2 believe this incident was discrimination?

I mean, I just read most of the answer
into the record, so what are you saying that
she hasn't been asked the question? She was
asked directly about that incident and about
the complaint she made in 2018, which
included the comment that your client made
about blacks being three-fifths of a person,
and then the comments that came out of your
client's mouth following her going to a
funeral. That's all been testified to,
Bruce.

14 MR. MENKEN: For the record, the
15 question that I sought to ask was, can you
16 tell me how Marilyn Barton engaged in race
17 discrimination against you.

18 But you know something, I'm okay, I've
19 heard you just testify over the past three or
20 four minutes on behalf of your client and you
21 have this --

22 MR. SELLS: I'm not testifying. This
23 is from the record. That's not from me.

24 Let's be clear about it, Bruce, let's
25 be clear about it. I'm not testifying, okay,

1 Marjorie Phillips 441

2 I'm reading -- you asked me to read from the
3 record, to come with the record. I gave you
4 the record. If you want to take time to read
5 the pages that I gave you, then you'll see
6 that it's not me testifying, it's my client.

7 She's been asked these questions over
8 multiple pages of the record, okay, so don't
9 make it seem like I'm testifying.

10 Why don't you take a moment. I gave
11 you the pages, 95 to 102, 108 to 109, 115 to
12 119, 127 to 136. Why don't you take a
13 minute, just a minute to read through it
14 before you accuse me of testifying for
15 minutes.

16 I'm not testifying here, okay, I'm just
17 showing you that she was asked these
18 questions about how your client discriminated
19 against her over multiple pages of this very
20 extensive deposition transcript.

21 Before today the transcript was 391
22 pages, so forgive me if it took me a moment
23 to go through and pick out all the times that
24 my client answered questions about how your
25 client discriminated against her, and I don't

1 Marjorie Phillips 442

2 think it's fair for you to now ask her again
3 those same questions.

4 MR. MENKEN: You simply could have just
5 identified the pages where you claim that the
6 question was asked, instead you read it. I'm
7 not so sure why you read it, but you read it.

8 Thank you very much.

9 MR. SELLS: Come on? Why do you keep
10 attacking me? Why do you keep attacking me?
11 Just say on the record either, yes, your
12 client has answered it before, or no, I don't
13 think she has. Why are you referring to me?
14 I don't get it. Bruce, I don't get it.

15 Just did she or did she not answer the
16 questions, that's the point. It's not
17 whether I read anything into the record. I
18 directed you to the record and you still
19 haven't gone there. You still haven't gone
20 there, so I don't know what your intent is.

21 MR. MENKEN: You persist in raising
22 your voice and cutting me off. I really
23 would appreciate it --

24 MR. SELLS: It's not about you and me,
25 Bruce, it's about whether my client answered

1 Marjorie Phillips 443

2 the question. Let's not get off track, okay?
3 Let's not get off track.

4 My client answered the question. You
5 want to take time to look through those
6 sections and see for yourself that she was
7 asked directly about it, then please do so.

8 But if you keep attacking me, I'm telling
9 you, I'm gonna end it right now. I'm not
10 dealing with this. I didn't do this to
11 attack you personally, all right? I took the
12 time to show you that my client has answered
13 these questions, okay? She's answered them.

14 Now, if you want to address that
15 aspect, please do so, but do not attack me
16 personally, okay? Don't do that.

17 MR. MENKEN: Are you finished?

18 MR. SELLS: As long as you don't attack
19 me, Bruce, yeah, I'm finished, but don't
20 start making allegations about me. Answer
21 that question, my client did or didn't?

22 MR. MENKEN: What I'm going to do is
23 I'm going to agree to disagree with your
24 contention and I'm going to move on.

25 MR. SELLS: Thank you.

1 Marjorie Phillips 444

2 Q Ms. Phillips, I'm hoping to be finished
3 in the next ten to fifteen minutes; okay?

4 A Okay.

5 Q We clarified that May 16, 2019 was a
6 Thursday and the following day, May 17, was a
7 Friday.

8 Do you recall what, if anything, you
9 did on the weekend of May 18 and May 19, 2019?

10 A I don't recall.

11 Q Ms. Phillips, did you do anything on
12 May 18 and May 19, 2019, that weekend, that is
13 different than what you did the prior weekend or
14 any other weekend?

15 A I don't recall.

16 Q Prior to May 16, 2019 what would you
17 typically do on weekends?

18 A Socialize with my friends, go to
19 church.

20 Q As a result of what happened on May 16,
21 2019, particularly with regard to what Ms. Barton
22 said to you on May 16, 2019, is there anything
23 that you physically cannot do that you used to do
24 before that date?

25 A I am not socializing with my friends in

1 Marjorie Phillips 445

2 the way that I had been prior to this incident.

3 Q That's currently?

4 A I'm unable to move around in the way
5 that I was prior to this incident.

6 Q Well, maybe if you could testify for
7 the record and explain how you moved around before
8 the incident and how you've moved around since the
9 incident.

10 A Before the incident I moved around
11 freely, I didn't think about anything. After the
12 incident I think about my movements, I think about
13 where I'm going.

14 When I go to F.I.T., I am afraid I'm
15 going to run into Marilyn, so I changed my hours
16 at F.I.T. to hopefully avoid running into her, and
17 looking over my back when I get there at all times
18 to prevent bumping into her.

19 I am just afraid. I'm afraid. When I
20 get to F.I.T., I'm afraid. So I, in essence, just
21 stay in my corner, and if I have to go out and if
22 I have to interact with others, I make sure -- I
23 try to make sure that I know that Marilyn Barton
24 is not going to be around.

25 Q That still happens up until today,

1 Marjorie Phillips 446

2 October 20, 2021?

3 A I fear for my life from Marilyn Barton
4 as of today. She threatened to kill me.

5 Q That's because of what happened on May
6 16, 2019 in the F.I.T. office E315; correct?

7 A Yes.

8 Q You testified that Anton Baptist told
9 you that if Marilyn Barton did what he did to you
10 to him, he would not have his job.

11 Do you remember that?

12 A Yes.

13 Q What did you understand that to mean?

14 A That her behavior towards me, her
15 aggressiveness, her anger, her attacking me in the
16 way that she did, that Anton would not have
17 accepted it from her.

18 Q Did you understand Anton's comments to
19 mean that he would have physically responded to
20 Ms. Barton's actions?

21 A I don't know.

22 Q Ms. Phillips, do you distrust white
23 people?

24 A No, I do not.

25 Q Do you trust African American people

1 Marjorie Phillips

447

2 more than you trust white people?

3 A No, I don't believe so. No.

4 Q On May 16, 2019 when that student came
5 in to speak about graduation, did she come in to
6 speak to you, Ms. Barton or someone else?

7 A She didn't come in to speak to any one
8 person in particular.

9 Q Who was she initially speaking to?

10 A She came in and just was sort of
11 talking out loud, because we all sit very close,
12 so she was talking to all of us.

13 Q Was it Ms. Barton who initially
14 responded to her?

15 A It was both of us.

16 Q So initially you were involved in the
17 discussion as well?

18 A Yes.

19 Q Do you know if Ms. Barton had ever
20 had any prior contact with that student before?

21 A I don't know.

22 Q Did you have any prior contact with
23 that student before?

24 A Yes, I did.

25 Q When was that?

1 Marjorie Phillips 448

2 A The student is a fashion and textile
3 studies student, so that's the program that I
4 handle. She's one of my students.

5 Q Did you ever have any face-to-face
6 verbal communication with her prior to May 16,
7 2019?

8 A Yes, I did.

9 Q When was that?

10 A The student -- I don't know the date,
11 but we had a conversation in an elevator at F.I.T.

12 Q How long before May 16, 2019?

13 A I don't know. I don't know.

14 Q Do you know what the conversation was
15 about?

16 A The student was in an accident at
17 F.I.T. and she cut her hand up very badly, very
18 badly, and had to be taken to the hospital, and it
19 was a big incident and I was asking the student
20 how is she doing, how was her hand, how was she
21 making out.

22 Q Did she come into E315 or you just saw
23 her?

24 A We were in the elevator.

25 Q Okay. Sorry.

1 Marjorie Phillips 449

2 So you just came into contact with her
3 by happenstance in the elevator?

4 A That was one of the times that I
5 recall, yes.

6 Q So were there other times that you had
7 contact with her before May 16, 2019 as well?

8 A Probably, yes.

9 Q What were the circumstances surrounding
10 those other times, as far as you remember?

11 A It was in regard to the accident. She
12 was in a room by herself, and she should not have
13 been in the room by herself, and as a result of
14 her being in the room by herself she got into an
15 accident and she cut herself. That's the program
16 that I handle.

17 Q What's her name?

18 A I don't recall.

19 MR. MENKEN: I have no other questions,
20 Ms. Phillips. Thanks for your time.

21 Rose, do you have any questions?

22 MS. NANKERVIS: I do not have any
23 questions.

24 MR. MENKEN: Eric, any questions?

25 MR. DRANOFF: I'm done.

1 Marjorie Phillips 450

2 MR. MENKEN: I'm going to order an
3 original and copy.

4 MS. NANKERVIS: I'll take a copy as well.

5 MR. DRANOFF: We don't want on our end.

6 (Whereupon, the examination of.

7 this witness was concluded at 12:09 P.M.)

8

9 * * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

451

2 A C K N O W L E D G M E N T

3

4 STATE OF NEW YORK)

5) ss.:

6 COUNTY OF)

7

8

9 I, MARJORIE PHILLIPS, hereby certify

10 that I have read the transcript taken under oath
11 in my deposition of October 20, 2021; that the
12 transcript is a true, complete and correct record
13 of what was asked, answered and said during this
14 deposition, and that the answers on the record as
15 given by me are true and correct.

16

17

18

19 MARJORIE PHILLIPS

20 Subscribed and sworn to

21 before me on this _____ day

22 of _____, 2021.

23

24

25 NOTARY PUBLIC

1

452

2 I N D E X

3

4	EXAMINATION OF	BY	PAGE
5	Marjorie Phillips	Mr. Menken	395

6

7 E X H I B I T S

8	DEFENDANT'S	DESCRIPTION	PAGE
9	17	Police report	405
10	18	E-mails	417
11	19	Document dated 8/8/19	424
12	20	Complaint	433

13

14

15

16

17

18

19

20

21

22

23

24

25

1

453

2 C E R T I F I C A T I O N

3

4 I, DEBORAH THIER, a Notary Public

5 of the State of New York do hereby certify:

6 That the testimony in the within
7 proceeding was held before me at the aforesaid
8 time and place. That said witness was duly sworn
9 before the commencement of the testimony, and that
10 the testimony was taken stenographically by me,
11 then transcribed under my supervision, and that
12 the within transcript is a true record of the
13 testimony of said witness.

14 I further certify that I am not related
15 to any of the parties to this action by blood or
16 marriage, that I am not interested directly or
17 indirectly in the matter in controversy, nor am I
18 in the employ of any of the counsel.

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand this 19th day of November, 2021.

21 
22

23

24 DEBORAH THIER

25

ERRATA SHEET

NAME OF CASE: _____

DATE OF DEPOSITION: _____

NAME OF DEONENT: _____

The following corrections, additions or deletions are noted for the following reasons:

Subscribed and Sworn to Before Me
This ____ day of _____, 20__.

WITNESS' SIGNATURE

NOTARY PUBLIC

Commission Expires:

<p style="text-align: center;">A</p> <p>A.M 392:11 able 405:23 414:21,23 above-stated 392:18 Absolutely 430:8,11,14 accepted 446:17 accident 448:16 449:11,15 accuse 441:14 act 437:23 438:9 action 402:13 438:12 453:15 actions 446:20 active 431:20 add 426:23 addition 426:16,19 additional 427:19 address 404:16,20,21 443:14 admitted 433:14,14 adult 424:20 advantage 410:11 affiliated 402:23 429:19 affirmative 402:13 438:12 aforesaid 453:7 afraid 445:14,19,19,20 African 396:20 437:4 438:3 446:25 afternoon 420:6 Agency 394:11 aggressive 396:15 aggressiveness 446:15 ago 403:11 404:6,8,12 agree 404:16 406:10 443:23 agreed 394:3 395:16 ahead 432:16,20 aid 415:18 Alexander 424:5,6 425:21 allegations 443:20 allege 400:13 alleging 435:4 alligators 416:25 altogether 410:17 American 396:20 438:3 446:25 Americans 437:4 anger 446:15 angry 396:15 403:17 answer 431:3,11 440:3 442:15 443:20 answered 430:22 435:24 436:9 437:23 438:19 439:5,8 441:24 442:12,25 443:4,12,13 451:13 answers 451:14 Anton 446:8,16 Anton's 446:18 anymore 411:3 apartment 408:7 apologize 406:19 appearing 397:3 appears 397:5 appointment 414:20 422:24 423:7 appreciate 442:23</p>	<p>approach 431:13 approximate 406:3 area 399:3,9 407:24 arguments 403:5 art 401:14 asked 435:10,12,21 437:20 438:15 439:18,19 440:5,6 441:2,7,17 442:6 443:7 451:13 asking 403:18 448:19 aspect 443:15 assault 437:18 assaulted 437:17 attack 443:11,15,18 attacked 417:2 attacker 409:8,10 attacking 442:10,10 443:8 446:15 attempt 399:11 attended 437:12 attention 400:19 attorney 424:18 428:7,10,12,14,17 428:20 429:6 attorneys 392:15 393:3,8,12,17 406:3 428:12,23 429:4,4,11,14 430:25 431:9,9 434:15,22 August 413:16,19 415:3,11,20 418:10 419:14,19 420:5,10 422:18 423:4 424:12 425:13 427:7,21 428:4 Avenue 393:13 avoid 445:16</p> <p style="text-align: center;">B</p> <p>B 452:7 back 401:24 402:9 410:22 418:16 418:18,21 420:6,10 436:20 439:17 445:17 badly 448:17,18 bag 429:24 Baptist 446:8 Barnes 419:5 424:19 427:9,20,24 429:18 Barnes' 425:14 426:6 Barton 392:8 393:17 396:9,24 399:12 400:12,21,23 401:7 403:4 403:5 404:16,24 405:6,23 409:19 413:23 414:9 418:7 420:24 430:9 430:15 435:6,8 436:25 437:3,16 440:16 444:21 445:23 446:3,9 447:6,13,19 Barton's 437:9 439:11 446:20 based 405:23 435:9 437:18 basically 435:3 basis 417:9 Bates 406:2 418:8 bed 412:16 Bee 394:10 behalf 435:13,14 440:20 behave 437:25 439:3</p>	<p>behavior 446:14 belabor 436:4 believe 406:9 407:13 408:22 419:11 421:2 423:13,13 425:10 425:11 428:4,13,15 429:9 431:16 437:21 439:23 440:2 447:3 believed 436:24 437:18 439:10 belong 431:22 beneath 425:24 Berman 429:8 better 415:15 bible 432:4 big 448:19 birth 404:24 black 400:13 blackface 400:10,16 401:17 402:6 402:24 blacks 440:9 blood 453:15 bodies 426:19 bone 398:25 born 437:13 bottom 411:20 419:10,17 422:15 422:17 434:23 box 406:21 break 411:5 436:16,22 breast 398:25 Broadway 393:4 Bruce 393:19 395:20 430:22 432:11,20 433:12 435:11,17 440:13,24 442:14,25 443:19 bumping 445:18</p> <p style="text-align: center;">C</p> <p>C 393:2 451:2 453:2,2 call 405:19 410:23 414:19,21 called 423:9 calm 399:12,16,16,16 campus 406:14 care 413:20 421:19 case 392:6 428:3 438:12 cause 412:4 cell 396:4 410:25 center 403:19,22 certain 409:23 certainly 411:13 certify 451:9 453:5,14 chain 417:23 chair 397:14,19 399:5 chairperson 401:14 challenges 421:25 422:2,5 427:6 change 413:8 changed 445:15 chapter 432:9 Charles 428:7 checkup 426:15,20 cheek 432:23 Chelsea 408:5</p>
---	---	---

<p>E</p> <p>E 393:2,2 395:6 451:2,2 452:2,7 453:2</p> <p>e-mail 418:7 419:15,18 420:3 422:20 423:2 428:24</p> <p>e-mailed 423:9</p> <p>e-mails 417:23 452:10</p> <p>E315 396:10 399:6,24 400:24 420:14 446:6 448:22</p> <p>early 403:9</p> <p>eight 416:12</p> <p>either 404:7,11 428:4 442:11</p> <p>elevator 448:11,24 449:3</p> <p>emotional 430:4,10,16</p> <p>employ 453:18</p> <p>employed 401:10</p> <p>employee 408:12 434:5</p> <p>employees 434:12</p> <p>ends 424:21</p> <p>enemies 432:24</p> <p>engaged 440:16</p> <p>ensure 409:8,10</p> <p>entire 422:14</p> <p>entities 424:23</p> <p>entry 425:19</p> <p>Eric 393:15 449:24</p> <p>ESQ 393:5,6,10,15,19 395:20</p> <p>essence 445:20</p> <p>everybody 416:9</p> <p>exact 405:3,4</p> <p>exactly 415:16 428:15 433:22</p> <p>examination 395:19 450:6 452:4</p> <p>examined 395:9</p> <p>excellent 434:13</p> <p>excuse 432:11</p> <p>exhibit 405:11,12,14,23 410:2 411:11 417:21,22,24 418:2,7 419:8 424:10,10,13,15,17 433:2 433:3,5,7,10,15,21 434:14,17,19</p> <p>expectation 438:10</p> <p>experience 408:23 415:23,25</p> <p>explain 400:11 445:7</p> <p>express 394:15</p> <p>extensive 441:20</p> <p>extent 396:3 402:24</p> <p>F</p> <p>F 453:2</p> <p>F.I.T 396:10 399:24 401:11 402:23 406:14 408:2 409:22,23 413:22 420:11 434:12 435:19 445:14,16 445:20 446:6 448:11,17</p> <p>F.I.T.'s 402:13,16</p> <p>face 397:22 398:16 400:13</p> <p>face-to-face 448:5</p> <p>fact 398:11 399:8 402:19 426:22 437:20</p> <p>fair 442:2</p>	<p>faith 431:16</p> <p>familiar 432:6,17,19,22</p> <p>family 421:9,24 422:5</p> <p>far 400:20 401:24 402:12 409:3 449:10</p> <p>fashion 392:7 393:8 402:6 434:6 448:2</p> <p>fear 446:3</p> <p>federal 395:15</p> <p>feel 418:4,25 436:15</p> <p>fees 430:24,24 431:9</p> <p>feet 400:20,22,22</p> <p>felt 416:14 438:3,7</p> <p>fifteen 444:3</p> <p>figure 430:17</p> <p>filed 434:15</p> <p>fill 425:8,13</p> <p>filled 425:10</p> <p>find 414:17 435:25 436:12,17</p> <p>finger 396:25 397:6,8,8 398:8,13 398:23 399:4</p> <p>finish 399:22 415:8</p> <p>finished 419:22 443:17,19 444:2</p> <p>FIRM 393:3</p> <p>first 395:7 407:9 409:25 410:3,7,7 411:11 414:24 419:14,15,16,17 419:25 420:3,9 422:15,17 423:3 423:6,7,8,9,16 424:25 425:13 428:2,11 429:7 433:9</p> <p>five 420:7 421:4,13,16,19,25 422:8 430:19 432:9 436:20 439:14</p> <p>flee 399:9</p> <p>flipped 410:23</p> <p>Floor 393:4,13,18</p> <p>foaming 400:6 438:25</p> <p>following 412:19 440:11 444:6</p> <p>follows 395:10</p> <p>forget 433:16</p> <p>forgive 441:22</p> <p>forty-four 432:10</p> <p>forward 402:9</p> <p>four 410:16 412:5 439:14 440:20</p> <p>four-page 406:2 412:3</p> <p>free 410:8,11 418:5 436:15 438:3,7</p> <p>freely 445:11</p> <p>frequently 417:12 418:23</p> <p>Friday 407:13,15 444:7</p> <p>friend 424:2,4,7</p> <p>friends 444:18,25</p> <p>front 404:2 411:7 433:10</p> <p>fuck 396:16</p> <p> fucking 438:24 439:2</p> <p>funeral 437:11 440:12</p> <p>further 394:12 453:14</p> <p>future 394:25</p> <p>G</p> <p>G 451:2</p> <p>Card 414:6,8,11,19 415:3,10</p> <p>Gelaway 438:15</p> <p>general 405:5 415:17</p> <p>Georgia 421:8 428:16,20</p> <p>getting 410:23</p> <p>give 402:2 436:11,20</p> <p>given 451:15</p> <p>Glass 419:18 420:5 422:19 423:2</p> <p>go 406:17,19 407:11,25 408:3 410:3 411:17 412:7,9 413:12 416:11 419:25 421:6 422:16 424:9 425:2,25 426:8 431:18 432:16,20 434:23 438:9 439:7 441:23 444:18 445:14,21</p> <p>God 431:16</p> <p>goes 402:9</p> <p>going 398:3,3 400:10 405:24 409:22,23 410:24 418:20 419:8 424:22 425:17 426:11 432:12,18 433:13 436:3 438:6 439:2 440:11 443:22,23,24 445:13,15,24 450:2</p> <p>gonna 398:19 443:9</p> <p>good 395:21,22 416:11</p> <p>gotta 405:20</p> <p>graduation 447:5</p> <p>granted 403:20</p> <p>great 435:16 436:18</p> <p>grounds 431:4</p> <p>guess 402:10 411:13,15 419:3,9 426:4 433:17</p> <p>guessing 419:2,3</p> <p>guest 432:21</p> <p>H</p> <p>H 395:6 452:7</p> <p>hand 397:9 448:17,20 453:20</p> <p>handle 448:4 449:16</p> <p>hands 397:10,21,24 398:6,17,21,22</p> <p>handwriting 425:6 426:6,6</p> <p>happened 407:25 408:3 414:9 416:16 422:12 430:6,12 444:20 446:5</p> <p>happens 445:25</p> <p>happenstance 449:3</p> <p>harassment 435:5</p> <p>heads 438:13</p> <p>health 413:14,20 421:19 427:3,12</p> <p>hear 403:23 436:6</p> <p>heard 400:18 440:19</p> <p>heated 403:4,7</p> <p>held 392:15,16 431:25 453:7</p> <p>help 415:14,18</p> <p>hereunto 453:19</p> <p>high 400:3</p> <p>Hm-hm 412:11</p> <p>Hold 399:22 410:24 433:11</p> <p>home 412:15 420:11</p> <p>honestly 409:16</p>
--	--

minutes 395:18 436:20 439:15,15 440:20 441:15 444:3	occurred 413:22	period 395:18 413:4 422:8
moment 441:10,22	occurrence 406:22	persist 442:21
money 430:15	October 392:11 446:2 451:11	person 408:14 409:6 415:4 416:7
month 400:9 401:21 415:13 418:24	offender 409:8	420:15 427:9 431:16 437:5,24,25
months 412:22 419:4	offered 410:13	438:2 439:4 440:9 447:8
morning 395:21,22 416:13 422:19 423:5	offers 410:8	personally 443:11,16
Mount 432:7	office 396:10 397:14 399:6,24 400:15 401:2,3,4 402:17 403:19 403:20,22 420:11,12,14,16,18 423:9 425:9,11,15 429:19 438:2 446:6	Phillips 392:4,14 395:13,21 396:1 396:7,23 397:1,13 398:1 399:1 399:12 400:1 401:1 402:1 403:1 404:1,15,23,25 405:1,16,22 406:1,4,20 407:1 408:1,17 409:1 410:1,2 411:1,7,17 412:1,12 413:1 414:1 415:1 416:1 417:1 418:1,4,9,20 419:1,13 420:1 421:1,10 422:1 423:1 424:1,17 425:1,18 426:1 427:1 428:1 429:1,18 430:1,23 431:1,7,15 432:1,22 433:1,23 434:1,24 435:1 436:1,24 437:1,9,15,22 438:1 439:1 440:1 441:1 442:1 443:1 444:1,2,11 445:1 446:1,22 447:1 448:1 449:1,20 450:1 451:9,19 452:5
mouth 400:6 438:25 440:11	official 409:9	Phillips' 437:17
move 439:12 443:24 445:4	Oh 404:20 423:11	phone 396:4 410:25 415:6 427:17
moved 445:7,8,10	okay 410:5 411:16,19,22 419:21,24 424:23,24 431:14 432:11,16 433:20 439:5 440:18,25 441:8,16 443:2,13,16 444:3,4 448:25	phones 427:16
movements 445:12	once 403:7,7 418:24	phonetics 404:25 438:16
multiple 436:8 439:6,9 441:8,19	opinion 434:10	physically 394:22 396:24 398:17 420:18,21 444:23 446:19
 N	order 392:16 408:16,19,24,25 409:3,5,14,18 412:6 450:2	physician 413:12
N 393:2 451:2,2 452:2 453:2	original 450:3	pick 412:8 441:23
name 395:11 429:5,9 449:17	outburst 403:17	Pine 393:18
names 429:3	outside 434:8	place 397:25 418:9 453:8
NANKERVIS 393:10 395:5 449:22 450:4	overheard 400:16,18,21 401:18,22	places 439:6
Natasha 400:25 401:5,9,10,16	overhearing 402:24	Plaintiff 392:5,14 393:3 406:4 425:18
nature 396:13 435:18	owes 430:16	Plaintiff's 405:17,18 424:21
neck 426:15,20	 P	platform 394:10
needs 426:15	P 393:2,2 395:6,6	Plaza 412:9
never 402:12,16 414:21,23 437:23 437:24 438:8 439:3	P.M 450:7	please 395:11 405:11 410:2,4 411:15,18,21 418:16 419:9 420:2 425:2 443:7,15
new 392:3,18 393:4,4,9,14,14,18 393:18 395:9 406:5,5,7 407:6 408:12 414:16 451:4 453:5	page 406:4,20 409:25 410:3,7 411:11,18,20 419:14,16,17 420:2 420:3 422:16,17 424:25 425:13 425:17 434:23 437:20 439:25 452:4,8	plural 398:22
newspaper 402:4,5	pages 437:2,6,8,14 441:5,8,11,19 441:22 442:5	point 397:12 398:20 399:12 401:8 408:11 409:17 414:11 422:23 437:2,8,14 438:18,18 442:16
night 412:16,19 415:22 417:5,10 417:11	paid 430:24,25 431:9	pointed 398:7
night's 416:11	pandemic 414:23 427:16	pointer 397:5
nightly 417:9 418:23	paragraph 410:6	police 405:13 406:5,10 407:7 408:12 409:7,12,14 410:12 452:9
nightmares 415:23,25 416:4,5,6,19 416:21 417:3,4,6,8,16 418:21,23 419:6 421:15	Park 393:13	practitioner 413:14,21 421:20
nine 416:12	part 401:22 431:7 438:20	precinct 406:6,14 407:7,18 408:3,5 408:7 409:12 412:8
ninety 395:18	participating 394:8	precisely 399:14
NIXON 393:7	particular 410:19 424:22,23 427:6 435:20 447:8	presence 394:23
Notary 392:17 395:8 451:25 453:4	particularly 444:21	present 393:22 394:4 416:20,20 422:12
notes 424:18	parties 394:3,15 395:16 453:15	pretty 403:9 425:10 431:19
notice 410:14	parts 401:17 412:7 426:19	
November 453:20	pastor 426:11,13	
number 405:19,20 410:20 412:22 424:10 426:23,24 433:3,16 435:23 439:16,17	patterns 413:8	
 O	pay 427:20,20,24	
O 395:6 451:2 453:2	PEABODY 393:7	
oath 451:10	Penn 412:9	
object 432:14	people 402:5 427:2 429:8 435:23 446:23,25 447:2	
objection 394:24,25 395:2,3,4,5 430:21 431:2,10	Perez 433:24	
obscene 404:8	performance 434:11	
obtain 412:6		
obtained 423:17		

sessions 427:17	403:18	Thanks 449:20
set 453:19	Street 393:18 406:6,15	therapist 417:18
shame 426:21,25	student 447:4,20,23 448:2,3,10,16	therapy 425:25 426:9,22 427:2,7
share 433:8	448:19	thereof 412:7
shared 418:3 424:16	students 448:4	Thier 392:17 395:8 453:4,24
shit 396:22 438:24	studies 448:3	thing 428:22
short 436:22	stuff 431:23	things 396:8 397:24 426:12
show 439:18 443:12	Subscribed 451:20	think 401:20 404:13 405:19 408:21
showed 439:10	substantial 435:18	416:22,23 419:13 423:21,22
showing 441:17	subway 408:6	428:14 429:13 430:15 433:13
sick 396:22	suffer 430:4	434:13 435:15 442:2,13 445:11
simply 442:4	suffering 430:10	445:12,12
SIMPSON 393:16	suit 436:15	thinking 428:21
single 400:17 417:10	Suite 393:9	third 425:17
sit 447:11	summer 417:7,13	thirty 402:23 426:12
sleep 413:8 415:14,18,19 416:11,12	Sunday 431:18	thought 409:16,20,22
sleeping 412:16,18,21 413:4	supervision 453:11	thousand 430:20
415:23 421:12,25 422:7,11,14	supposedly 416:9	threatened 438:11 446:4
sleeplessness 418:21	sure 396:15 401:3 407:23 420:16	three 440:19
social 413:13	420:20 425:10 436:13,19,21	three-fifths 437:5 440:9
Socialize 444:18	442:7 445:22,23	throw 429:23
socialized 434:7	surely 435:12	Thursday 444:6
socializing 444:25	surrounding 449:9	time 392:18 394:24 400:24 402:3,7
socially 423:16	swear 394:19,21	404:6,8 405:2,7 407:8,9 408:11
somewhat 399:18 400:17	sworn 395:8 451:20 453:8	409:15,15,17,24 412:2 413:4,10
son 404:24	 T	413:11 414:11,17,20,22,24,24
soon 414:3	T 451:2 452:7 453:2,2	416:20 422:12,14 425:9,12,25
Sorry 448:25	take 410:11 419:20 436:16 438:14	426:9,21 434:16 438:7,14 441:4
sort 402:9,9 413:6 415:18 447:10	438:15 439:14 441:4,10,12 443:5	443:5,12 449:20 453:8
sorts 421:9	450:4	times 418:24 436:8 438:16 439:8
sought 408:24,25 440:15	taken 392:14 436:22 448:18 451:10	441:23 445:17 449:4,6,10
South 393:13	453:10	tired 396:22 438:24
SOUTHERN 392:3	takes 414:17 418:9	title 401:13 435:3
speak 401:16 414:8 415:6,10	talked 417:18 436:24	today 441:21 445:25 446:4
421:18,24 422:4 428:6 447:5,6,7	talking 401:7 447:11,12	told 405:6 419:5 438:24 446:8
speaking 403:21 413:10 427:14	talks 437:7	top 406:4 419:11,25 420:3 425:3
447:9	Tauster 435:13	425:19
specialists 426:18	technology 392:7 393:8 396:3	tossed 413:6
specifically 435:21	434:6	touch 404:11,12
spoke 403:12,14,15	telephone 427:15	touched 398:8,12,12
spot 406:23	tell 402:12 404:23 411:10 426:4	track 443:2,3
ss 451:5	436:17 440:16	train 407:22
stamped 406:2 418:9	telling 438:25 443:8	transcribed 453:11
stand 397:13 399:6	ten 400:22,22 429:16,17 434:24	transcript 435:25 436:12,14 437:3
start 415:14 443:20	438:8 444:3	437:15 441:20,21 451:10,12
started 403:24,24 415:18,20	terms 405:5	453:12
416:16,17,18 427:21 428:13	testified 395:10 396:7 398:5 399:18	treat 413:3 424:6
starts 424:20	400:9 401:21 412:12 425:22	treatment 413:20 415:14 423:17
state 392:17 395:9,11 451:4 453:5	431:15 440:12 446:8	427:13,21
statement 405:24	testify 440:19 445:6	trouble 412:16,18,21 413:4 421:12
STATES 392:2	testifying 440:22,25 441:6,9,14,16	422:7
stating 410:15	testimony 400:3 415:2 435:18	true 406:13 451:12,15 453:12
stay 445:21	437:17 453:6,9,10,13	trust 446:25 447:2
stays 409:9,10	text 429:12	try 399:8 413:7 445:23
stenographically 453:10	texted 423:10	turned 396:5 411:2 413:6
stipulate 394:20	textile 448:2	turning 432:23
stipulated 394:2,12	Thank 434:18 442:8 443:25	twenty 439:15
stood 397:18 398:2,20 399:5,7		two 397:10 426:24 434:25 439:17

393 393:1	449 449:1
394 394:1	450 450:1
395 395:1 452:5	451 451:1
396 396:1	452 452:1
397 397:1	453 453:1
398 398:1	475 393:13 424:21
399 399:1	
<hr/>	
4	5
400 400:1	50 393:9
401 401:1	55 393:4
402 402:1	
403 403:1	6
404 404:1	6 417:21 418:7
405 405:1 452:9	
406 406:1	
407 407:1	
408 408:1	7
409 409:1	7 424:10
410 410:1	
411 411:1	
412 412:1	8
413 413:1	8 415:3,11 419:14 422:18 423:4
414 414:1	424:13 425:13 427:7,21
415 415:1	8-8-2019 425:19
416 416:1	8/8/19 452:11
417 417:1 452:10	80 393:18
418 418:1	
419 419:1	9
420 420:1	9 396:8 405:11,23
421 421:1	9:33 392:11
422 422:1	95 437:2 441:11
423 423:1	9th 395:17
424 424:1 452:11	
425 425:1	
426 426:1	
427 427:1	
428 428:1	
429 429:1	
430 430:1	
431 431:1	
432 432:1	
433 433:1 452:12	
434 434:1	
435 435:1	
436 436:1	
437 437:1	
438 438:1	
439 439:1	
440 440:1	
441 424:21 441:1	
442 442:1	
443 425:18 443:1	
444 444:1	
445 445:1	
446 446:1	
447 447:1	
448 448:1	

LAWYER'S NOTES